

REMARKS

Favorable reconsideration of this application as presently amended is respectfully requested. Claims 1-19, 22, 25-28, and 30-39 are pending. Of these pending claims, claims 4, 5, 7-12, and 14-19 are withdrawn from consideration. In this Amendment, claims 26-27 and 35-39 are canceled; claims 1, 28, and 30-32 are amended; and claims 40-41 are added. No new matter is added.

The Examiner is thanked for indicating that claim 34 is allowed.

The Examiner is thanked for indicating that claims 27, 28, 30, 32, and 33 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Amendments to claims 1, 28, and 30-32 are merely to change dependency. No amendment to claim 33 is required as it now depends from amended claim 32. New claims 40-41 are provided to set forth the claimed features of claims 32 in independent form with one dependent claim. As the amendments have been made in order to comply with the Examiner's indication of allowable claims, Applicant believes the claims as amended are now in condition for allowance. No new matter has been added.

Claims 1-3, 6, 13, 22, 25, 26, 31, and 35-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,533,355 to Comfort in view of U.S. Patent No. 3,561,637 to McConnell. This rejection is respectfully traversed with respect to the claims as currently presented. Applicant has amended claim 1 to include all of the limitations of claim 26 and 27 as indicated by the Examiner to be allowable at page 3, paragraph 3 of the Office Action. Thus, claim 1 now claims a paint container sealing lid comprising a base, a hatch within said base including at least one slot for holding at least one tool, *a hatch cover attached to the hatch by a hinge*, a lip having an indentation for enveloping a rim of said container, and a flexible strap proximal said lip with a fastening mechanism. Further, new claim 40 includes all of the limitations of claims 1, 26, and 32 as indicated by the Examiner to be allowable at page 3, paragraph 3 of the Office Action. Thus, claim 40 now claims a paint container sealing lid comprising a base, a hatch within said base including at least one slot for holding at least one tool, *a hatch cover*, *a gasket attached to the hatch*, a lip having an indentation for enveloping a rim of said container, and a flexible strap proximal said lip with a fastening mechanism. Neither Comfort nor

McConnell alone or in combination teach or suggest a lid having a hatch with a hatch cover attached thereto by a hinge or a lid having a hatch with a hatch cover and a gasket attached to the hatch. In fact Comfort, teaches away from having a hinged hatch in that Comfort specifically discloses laying a cover over an opening with extensions of the cover providing support (see column 2, lines 23-33 of Comfort). McConnell merely teaches a lid with an indentation and flexible strap with a fastening mechanism. Accordingly, McConnell cannot remedy the deficiencies of Comfort with respect to failing to teach or suggest claim 1's feature of a hatch with a hinged hatch cover or claims 40's feature of a hatch with a cover and a gasket. Applicant asserts that Claim 1 and Claim 40 and their dependent claims are now in condition for allowance as they now coincide with the Examiner's indication of allowable claims.

Claims 2, 3, 6, 13, 22, 25, and 31 depend directly or indirectly from claim 1, and, accordingly, include all of the patentable features of claim 1 as well as other patentable features. Therefore, claims 2, 3, 6, 13, 22, 25, and 31 are patentable over Comfort in view of McConnell for at least the reasons discussed above with respect to claim 1.

The rejection of claim 26 has been rendered moot by the incorporation of claims 26 and 27 into claim 1. The rejection of claims 35-39 has been rendered moot by the cancellation of these claims.

If the Examiner has any questions or concerns regarding the present response, the Examiner is invited to contact Kimberly Snead at 703-563-2043.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance, and favorable action is respectfully solicited.

Respectfully submitted,



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